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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,865	02/21/2002	Uma Arunkumar	GP-302051 2760/49	7567

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EXAMINER

SHAW, PELING ANDY

ART UNIT	PAPER NUMBER
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2144

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/079,865	Applicant(s) ARUNKUMAR, UMA	
	Examiner Peling A. Shaw	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Amendment received on 02/02/2007 has been entered into record. Claims 23, 26 and 44 are amended. Claims 23-44 are currently pending.
2. Applicant's submission filed on 08/30/2006 was entered. Claims 1-22 were cancelled. Claims 23-44 were new.
3. Amendment received on 01/19/2006 was entered. Claim 22 was new.
4. Amendment received on 06/24/2005 was entered. Claims 1, 16 and 19 were amended.

Priority

5. This application has no priority claim made. The filing date is 02/21/2002.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-27, 29-35, 37-38 and 40-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Jijina et al. (US 20030103599 A1), hereinafter referred as Jijina.

- a. Regarding claim 23, Jijina disclosed a method for notifying a customer of a message available for delivery via a client vehicle communication unit (VCU) installed in a vehicle of the customer, the method comprising the steps of: establishing a

connection between a server and the client VCU (paragraph 4: wake up to receive data calls); sending a query to the client VCU from the server for an indication of whether the customer is available in the vehicle for receiving the message (paragraph 4: receive data calls when ignition is on); sending a message to the client VCU for delivery to the customer if the server receives the indication that the customer is available (paragraph 4: receive data calls when ignition is on); and if the server does not receive the indication that the customer is available for receiving the message, then performing any one or more of the following (paragraph 7: transfer to voice mail): i) sending a failed delivery message to the client VCU, ii) sending the message to the client for storage on the client VCU, or iii) retrying delivery of the message to the client VCU at a later time after a time interval.

- b. Regarding claim 24, Jijina disclosed the method of claim 23, wherein the indication of whether the customer is available in the vehicle for receiving the message is an ignition status (paragraph 4: receive data calls when ignition is on).
- c. Regarding claim 25, Jijina disclosed the method of claim 23, wherein the message is one of the group consisting of a voice message, a facsimile (FAX), an E-mail message, and a transfer of data (paragraph 4: receive data calls when ignition is on).
- d. Regarding claim 26, Jijina disclosed the method of claim 23, wherein the step of sending a message to the client VCU for delivery to the customer further comprises announcing to the customer the type of message available for delivery (paragraph 4: receive data call; paragraph 8: provide fake rings to subscriber; paragraph 23: announcement to caller).

- e. Regarding claim 27, Jijina disclosed the method of claim 23, wherein the step of sending a message to the client VCU for delivery to the customer occurs after the vehicle ignition is turned on if the indication that the customer is available is not received by the server (paragraph 4: receive data calls when ignition is on).
- f. Regarding claim 29, Jijina disclosed the method of claim 23, wherein sending a message to the client VCU for delivery to the customer includes broadcasting an audible message to the customer inside the vehicle (paragraph 23: announcement to caller).
- g. Regarding claim 30, Jijina disclosed the method of claim 23, further comprising the step of storing a message for later annunciation to the customer on the client VCU upon the server acquiring an IGNITION OFF status (paragraphs 7 and 23-24: transfer call to voice mail).
- h. Regarding claim 31, Jijina disclosed the method of claim 23, further comprising the step of sending a code to the client VCU from the server representative of the message for later annunciation (paragraph 4: receive data).
- i. Claims 32-35, 37-38 and 41 are of the same scope as claims 23-24, 26-27 and 29-31. These are rejected for the same reasons as for claims 23-24, 26-27 and 29-31.
- j. Regarding claim 40, Jijina disclosed the method of claim 32, further comprising the step of delaying delivery of the message to client VCU upon acquiring an IGNITION OFF status (paragraphs 7-8 and 23: transfer to voice mail).
- k. Claim 42 is of the same scope as claims 23-24. It is rejected for the same reasons as for claims 23-24.

- l. Regarding claim 43, Jijina disclosed the method of claim 42, wherein the step of sending a message to the client VCU for delivery to the customer further comprises sending ring tones to the client VCU (paragraph 23: rings).
- m. Regarding claim 44, Jijina disclosed the method of claim 42, wherein the step of sending a message to the client VCU for delivery to the customer further comprises the customer initiating delivery of the message to the customer (paragraphs 23-24: answer phone or voice message).

Jijina disclosed all limitations of claims 23-27, 29-35, 37-38 and 40-44. Claims 23-27, 29-35, 37-38 and 40-44 are rejected under 35 U.S.C. 102(e).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23, 24, 26, 28, 30, 32, 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over do Nascimento, JR. (US 20020128000 A1), hereinafter referred as Nascimento in view of do Heyward et al. (US 20020042266 A1), hereinafter referred as Heyward.

- a. Nascimento shows (claim 23) a method for notifying a customer of a message available for delivery via a client vehicle communication unit (VCU) installed in a vehicle of the customer, the method comprising the steps of: establishing a

connection between a server and the client VCU (Fig. 13, paragraph 95: WVCS communicate thru BS and MSC with SLDNM); and an ignition status from the client VCU as an indication of whether the customer is available in the vehicle for receiving the communication (paragraph 118: VCM is powered up when ignition switch is activate); sending a message to the client VCU for delivery to the customer if the server receives the indication that the customer is available (paragraphs 118 and 125: VCM is activated upon ignition on and provides service via SLDNM). Nascimento does not show (claim 23) acquiring, at the server, an ignition status from the client VCU; and if the server does not receive the indication that the customer is available for receiving the message, then performing any one or more of the following.

- b. Heyward shows (claim 23) acquiring, at the server, an ignition status from the client VCU (Fig. 9; paragraph 81: reporting other status information including ignition status) and (paragraph 49) re-transmission when radio coverage becomes available in an analogous art for the purpose of conserving wireless resources.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Nascimento's functions of driving detection/notification and location/situation-based services with Heyward's functions reporting mobile unit status, including ignition status.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide the mobile unit status per Heyward's teaching in further enhancing mobile communication per Nascimento (paragraph 8) and Heyward (paragraph 9)'s teaching.

- e. Regarding claim 24, Heyward shows wherein the indication of whether the customer is available in the vehicle for receiving the message is an ignition status (Fig. 9; paragraph 81: reporting other status information including ignition status).
- f. Regarding claim 26, Nascimento shows wherein the step of sending a message to the client VCU for delivery to the customer further comprises annunciating the type of communication available for delivery (paragraph 121: VCM 108 causes audio inquiries to be made through a speaker of the vehicle or displays video inquiries on the display).
- g. Regarding claim 28, Nascimento shows further comprising the steps of periodically sending a query to the client VCU from the server if the server fails to receive the indication that the customer is available in response to previous queries (paragraph 119: determines which RMMs will receive which services according to inquiry operation and the inquiry operations can be selected periodically).
- h. Regarding claim 30, Nascimento shows further comprising the step of storing a message for later annunciation to the customer on the client VCU upon the server acquiring an IGNITION OFF status (paragraph 47: If the user responds that the user is not driving (a "not driving" response) or that the call is an emergency, then the SNS 42 can store this information in DS 44).
- i. Claim 32 is of the same scope as claims 23-24, 26 and 30. Claim 32 is rejected for the same reasons as for claims 23-24, 26 and 30.
- j. Regarding claim 36, Nascimento shows further comprising the step of sending an IGNITION ON message to the server from the client VCU when the ignition mode

changes from an off mode another mode (paragraph 119: inquiry periodically for status).

- k. Regarding claim 39, Nascimento shows wherein the customer initiates delivery of the message with a verbal command (paragraph 109: speech recognition).

Together Nascimento and Heyward disclosed all limitations of claims 23, 24, 26, 28, 30, 32, 36 and 39. Claims 23, 24, 26, 28, 30, 32, 36 and 39 are rejected under 35 U.S.C. 103(a).

Response to Arguments

8. Applicant's arguments filed on 02/02/2007 have been fully considered, but they are not persuasive.
- a. Applicant has alleged that Jijina does not disclose what to do with the message once it has been left at the voice mail module. Examiner has reviewed applicant's original specification and claim language. There is no specific description on what to do with the message except saying for later retrieving, i.e. consistent with Jijina's recitation on voice mail module. As one skill in the art of telephony knows that a voice mail is set up for retrieving.
 - b. Applicant has alleged that Jijina does disclose "sending a query to the client VCU from the server for an indication of whether the customer is available in the vehicle for receiving the message. Jijina has shown (paragraph 4) that Vehicle phone 40 includes a conventional Vehicle Communication Unit ("VCU") operable to wake up at regular intervals in order to receive data calls; Additionally, vehicle phone 40 answers each in-coming call, voice or data, when an ignition of vehicle 41 is on or when the VCU is awake in a DRx cycle. This is consistent with applicant's description of availability of customer in abstract, original claims 1 and 16, Summary of the Invention in lines 3-10 on page 2, Detail Description of the Presently Preferred Embodiments in lines 14-22 on page 3 and lines 6-13 on page 6.
 - c. Applicant has alleged that Jijina does disclose "i) sending a failed delivery message to the client VCU, ii) sending the message to the client for storage on the client VCU, or iii) retrying delivery of the message to the client VCU at a later time after a time

interval". Jijina has shown (paragraph 7) transferring a voice call to voice mail module. Claim 23 language states before the applicant's alleged limitation as "... , then performing any one or more of the following: i) sending ...". Thus it is not necessary to show Jijina has all the limitations of items i, ii and iii.

- d. Applicant has alleged Jijina do not disclose sending the message to the client for storage on the client VCU. Jijina has shown (paragraph 7) transferring a voice call to voice mail module. As one skill in the art of telephony knows that a voice mail module is working just like an answering service or answering machine. Jijina has shown a method (claim 1-3 and 7-8, paragraphs 10-12) and a device (9-11 and 15-19) of using voice mail module. Thus the voice mail module and intended usage per Jijina could be applied to applicant's claimed limitation of "sending the message to the client for storage on the client VCU".
- e. Applicant has alleged Jijina do not disclose announcing to the customer the type of message available for delivery. Jijina has shown (paragraph 23) using announcement for caller as indicating of call forwarding; (paragraph 8) providing fake rings to subscriber; and (paragraph 4) receiving data call and (paragraph 10). Thus Jijina has shown the technique of using announcement for indicating call state, e.g. call forwarding; fake ringing for the called party, i.e. subscriber and receiving both data and voice call in VCU. Jijina has also shown (paragraph 7) using voice mail module. As one skill in art of telephony knows that a voice mail module provides information about customer voice mail service. Jijina does have applicant's alleged limitation.

- f. Applicant has alleged Jijina does not disclose “sending a code to the client VCU from the server representative of the message for later annunciation”. Examiner has reviewed applicant’s original specification or claim language with respect to this limitation as per lines 11-23 on page 7, lines 9-17 on page 8 and lines 13-26 on page 9. The term of “code” seems to be an implementation of how functions would be achieved. Since the alleged function, i.e. annunciation, is already alleged and responded in item e above, the response should be applicable to current allegation.
- g. Applicant has alleged that Jijina does not disclose “sending a query to the client from the server for an ignition status as an indication of whether the customer is available in the vehicle for receiving the message” and “re-sending the query to the client VCU from the server for an ignition status if no ignition status is returned from the client VCU to the server. Jijina has shown (paragraph 4) vehicle phone 40 answers each incoming call, voice or data, when an ignition of vehicle 41 is on or when the VCU is awake in a DRx cycle. Here the ignition is keyed one for receiving data or voice calls, thus the status of ignition is revealed to the call initiator e.g. a server. As VCU does wake in DRx cycle, thus the VCU must try periodically to connect a server to receive data or voice calls.
- h. Applicant alleged that Heyward merely teaches that the mobile unit sends wireless data packets to a wireless network for storage on a host system. Examiner has reviewed Heyward and found (paragraph 49) re-transmission when radio coverage becomes available. Thus Heyward has the limitation of “retrying delivery of the

message at a later time after a time interval” and claim rejection section, i.e. item b in section 7, is updated.

- i. Applicant alleged that the cited references in Nascimento and Heyward do not teach or suggest annunciating to the customer the type of message available for delivery. Nascimento has shown (paragraph 121) the server inquiry for which service to be delivered to devices via audio or video display, i.e. annunciation of the type message (services) for delivery.
- j. Applicant alleged that the cited references in Nascimento and Heyward do not teach or suggest periodically sending a query to the client VCU from the server if the server fails to receive the indication that the customer is available in response to previous inquiry. Nascimento has shown (paragraph 119) determines which RMMs will receive which services according to inquiry operation and the inquiry operations can be selected periodically. The claim rejection section, i.e. item g in section 7, is updated.
- k. Applicant alleged that the cited references in Nascimento and Heyward do not teach or suggest storing a message for later annunciation to the customer on the client VCU upon the server acquiring an IGNITION OFF status. Examiner has reviewed the cited reference per Heyward. Examiner has further searched in Nascimento and found (paragraph 47: If the user responds that the user is not driving (a "not driving" response) or that the call is an emergency, then the SNS 42 can store this information in DS 44) and updated the claim rejection section, i.e. item h in section 7.

- l. Applicant's allegation with respect to claim 32 are similar to those alleged in item j and k above. Examiner's response in item j and k above should be applicable.
- m. It is the Examiner's position that Applicant has not submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to claim as broadly as possible their invention, it is also the Examiner's right to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features of applicant's specification are unique (see item a in section 6 and items a-d in section 7). Jijina, Nascimento and Heyward has shown the general art of receiving, storing and retrieving data or voice call in a mobile communication environment. It is clear that Applicant must be able to submit claim language to distinguish over the prior arts used in the above rejection sections that discloses distinctive features of Applicant's claimed invention. It is suggested that Applicant compare the original specification and claim language with the cited prior art used in the rejection section above to draw an amended claim set to further the prosecution.
- n. Failure for Applicant to narrow the definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant's intent to broaden claimed invention. Examiner interprets the claim language in a scope parallel to the Applicant in the response. Examiner reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

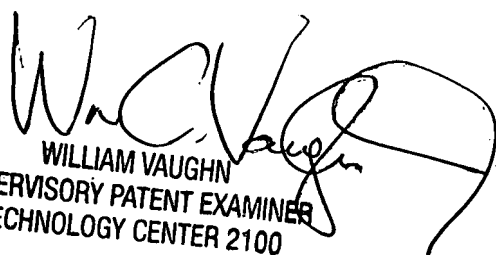
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